

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

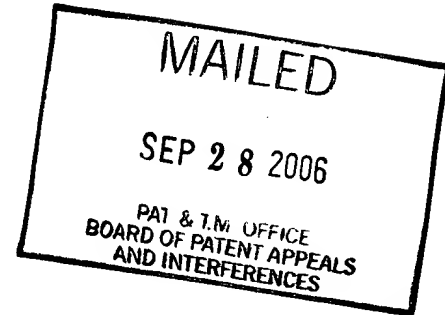
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Ex parte ANETTE BUSCHKA,  
PETER BLOMSTROM,  
and TOMAS BILIGREN

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Application No. 09/870,517

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was received electronically at the Board of Patent Appeals and Interferences on August 28, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

February 27, 2006, appellants filed an Appeal Brief. A review of the file reveals that the Summary of Claimed Subject Matter does not map the independent claims to the specification, as set forth in 37 CFR § 41.37(c)(1)(v) which states:

(v) ***Summary of claimed subject matter.*** A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent

claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters.

Lastly, on April 13, 2006, an Examiner's Answer was entered into the record.

A review of the file reveals that the Examiner's Answer cites Matsumura et al.

(U.S. Patent No. 3,984,898) as prior art of record. However, the Final

Rejection mailed September 27, 2005, page 3, the examiner references

Matsumura et al. U.S. Patent No. 4,018,646. A clarification of which reference

is the prior art relied upon in the rejection is required.

Accordingly, it is

**ORDERED** that the application is returned to the Examiner to:

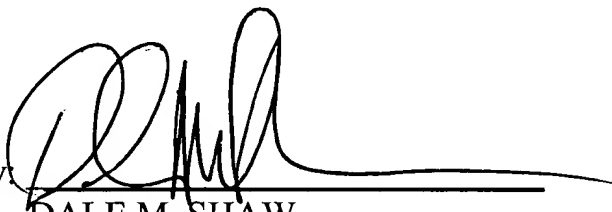
- 1) hold the Appeal Brief of February 27, 2006 defective;
- 2) request applicants to file a substitute Appeal Brief in compliance with 37 CFR § 41.37;
- 3) for the examiner to consider the substitute Appeal Brief, and if necessary, vacate the Examiner's Answer mailed April 13, 2006, and issue a revised Examiner's

Answer with a clarification of which Matsumura reference is to be considered as the prior art ;

4) have a complete copy of the substitute Appeal Brief and any subsequent Examiner's Answer scanned into the record; and

6) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By   
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Deputy Chief Appeals Administrator  
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DMS/dal

Application No. 09/870,517

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